

## TEMPORARY EASEMENT

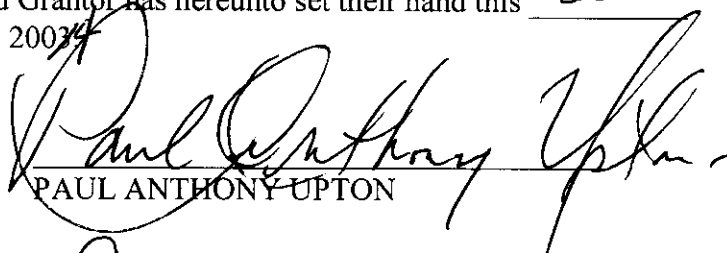
FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we, Paul Anthony Upton and wife, Adele Upton, hereinafter referred to as "Grantor", do hereby grant, bargain and convey unto the City of Olive Branch, its successors and assigns, hereinafter referred to as "Grantee", a temporary construction easement over the property described in Exhibit 1 attached hereto.

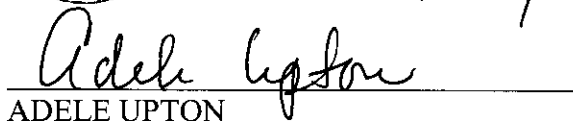
It is agreed that this is a temporary construction easement for the purpose of Grantee constructing a sewer line

The easement is temporary in nature and will expire and terminate upon completion of the construction of the sewer project and restoration of Grantor's property. Grantee is hereby granted authority to remove any trees, shrubs or plants within the Easement deemed necessary by Grantee or its Contractors. Completion of construction shall be defined as occurring at the time of final payment being made by Grantee to the Contractor performing the construction work.

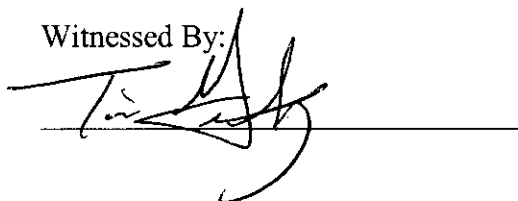
As additional consideration it is agreed that Grantor shall be entitled to receive a waiver of one sewer tap on the property over which this Easement is granted.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand this 20<sup>th</sup> day of March, 2004

  
PAUL ANTHONY UPTON

  
ADELE UPTON

Witnessed By:



APPROVED AND ACCEPTED by the  
City of Olive Branch

By:   
SAMUEL P. RIKARD, MAYOR

ATTEST:

  
JUDY C. HERRINGTON, CITY CLERK

STATE MS. - DESOTO CO. bc  
bc

APR 15 3 33 PM '04

469 PG 0667  
CLERK CH. CLK.

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 22<sup>nd</sup> day of March, 2004, within my jurisdiction, Jim E. Senby one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that he saw the within named Paul Anthony Upton and wife, Adele Upton, whose names are subscribed thereto, sign and deliver the same to the City of Olive Branch; and that the affiant subscribed his name as witness thereto in the presence of same.

[Signature]  
Witness

Judy Diane Naramore  
NOTARY PUBLIC

My Commission Expires:  
MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES MARCH 19, 2005  
BONDED THRU STEGALL NOTARY SERVICE



STATE OF MISSISSIPPI

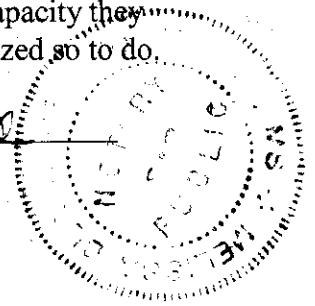
COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state on this 9<sup>th</sup> day of April, 2004, within my jurisdiction, the within named Samuel P. Rikard and Judy C. Herrington, who acknowledged that they are the Mayor and City Clerk, respectively, of the City of Olive Branch, and that in said representative capacity they executed the above and foregoing instrument, after first having been duly authorized so to do.

Melissa Black  
NOTARY PUBLIC

My Commission Expires:

MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES AUG. 11, 2007  
BONDED THRU STEGALL NOTARY SERVICE



PREPARED BY AND RETURN TO: Gary P. Snyder, Watkins Ludlam Winter & Stennis, P.A.,  
P.O. Box 1456, Olive Branch, MS 38654, 662-895-2996.

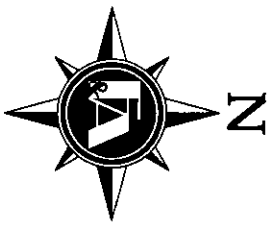
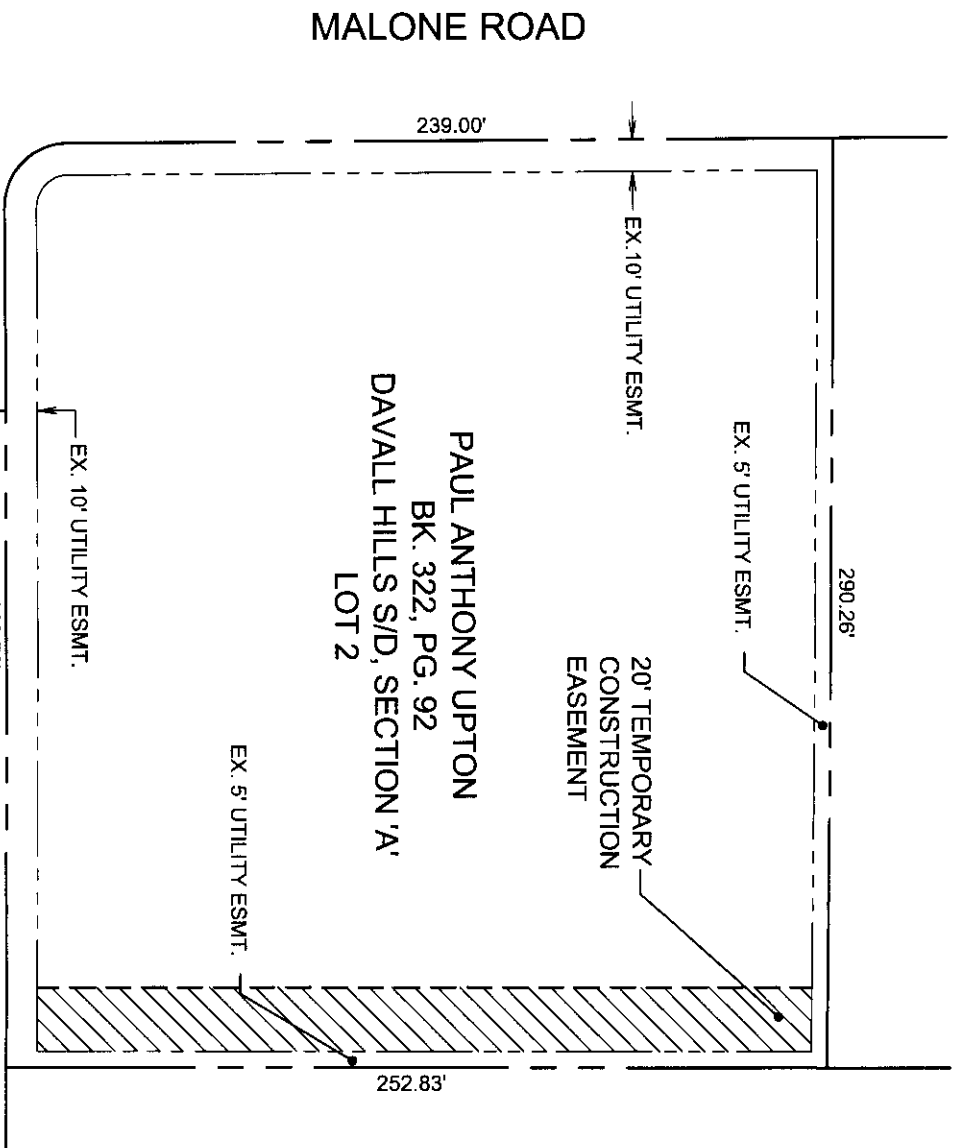
**PAUL ANTHONY UPTON  
DEED BOOK 322, PAGE 92**

**EXHIBIT 1**

Being a portion of Lot 2, Section A, Davall Hills Subdivision lying in Section 23, Township 1 South, Range 7 West in the City of Olive Branch, Desoto County, Mississippi as recorded in Plat Book 18, Pages 26-27 in the Desoto County Chancery Clerk's Office, and being more particularly described as follows:

**TEMPORARY CONSTRUCTION EASEMENT**

Being a 20-foot strip of land along the west side of an existing 5 foot wide utility easement along the east property line of subject property respectively, and containing 4,837 square feet, more or less.



SCALE: 1" = 60'

EASEMENT REQUIRED:

UNENCUMBERED:	ENCUMBERED:
PERM: 0.0 S.F.	PERM: 0.0 S.F.
TEMP: 4.837 S.F.	TEMP: 0.0 S.F.

EXHIBIT NO. 1  
SHEET 1 OF 1

THE CITY OF OLIVE BRANCH, MISSISSIPPI  
DESOTO COUNTY  
2003 SEWER IMPROVEMENTS  
PHASE III  
UTILITY EASEMENT

NO.	DESCRIPTION	DATE	BY

THE CITY OF OLIVE BRANCH, MISSISSIPPI  
DESOTO COUNTY  
2003 SEWER IMPROVEMENTS  
PHASE III  
UTILITY EASEMENT

PREPARED BY: F&A BK. 322, PG. 92 TRACT: UPTON

DRAFTSMAN: BS/KWC DATE: OCTOBER, 2003

THIS PROPERTY IS LOCATED IN SECTION 23,  
TOWNSHIP 1 SOUTH, RANGE 7 WEST,  
DESOTO COUNTY, MISSISSIPPI